

REMARKS

This amendment is in response to the Non-Final Rejection mailed April 09, 2010. It is timely, with a one-month extension of time, if submitted on or before August 09, 2010.

Applicant requests a personal interview with the examiner and that the interview shall take place before the examiner acts on this amendment. The interview is to be conducted with Joseph C. Merck (Registration Number 57,953) who can be reached on (703) 981-3391. A request for interview form has been included with this response.

Claims 1-4 were rejected under 35 U.S.C. 102(b) as anticipated by Dockery (3,695,681). These rejections are traversed. Claim 1 has been amended to include the limitation that the photo-sensitive portion include a lamination of different layers including polarizers and liquid crystal elements. Dockery does not teach these elements since it uses a photo electric liquid. The rejection of claims 2-3 fail for at least the same reasons noted above with respect to claim 1. Claim 4 has been rewritten in independent form. The examiner did not point out where in Dockery it teaches a "response rate control". This limitation is not found in Dockery. For all these reasons these rejections are mute and should be withdrawn.

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al in view of Dockery. These rejections are traversed. Claim 1 has been amended to include the limitation that the photo-sensitive portion include a lamination of different layers

including polarizers and liquid crystal elements. Wolf et al and Dockery do not teach these elements since they use a photoelectric liquid. The rejection of claims 2-3 fail for at least the same reasons noted above with respect to claim 1. Claim 4 has been rewritten in independent form. The examiner did not point out where in Dockery or Wolf et al where they either teaches a "response rate control". This limitation is not found in either reference. For all these reasons these rejections are mute and should be withdrawn.

New claims 19 and 20 have been presented. Claim 19 sets forth the limitation that the area around the photo-sensitive portion is transparent. Claim 20 is a new independent claim that is directed to retrofitting an airplane windshield that is not photo-sensitive with a window that is photo-sensitive. This is seen in shown in figure 12. The limitations of these claims are not taught by either Wolf et al or Dockery.

In view of the amendments to the claims noted above, it is respectfully submitted that all pending claims are now allowable and a notice of allowance is solicited

The Examiner is respectfully requested to call the undersigned if further changes are required to obtain a notice of allowance.

Respectfully submitted,
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